

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Proposing rule making related to state parks, recreation areas, and state forest camping and providing an opportunity for public comment

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 61, “State Parks, Recreation Areas, and State Forest Camping,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 455A.5(6).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 461A.3 and 461A.48.

Purpose and Summary

The proposed amendments address different aspects of the operations of the Department of Natural Resources (Department) by clarifying existing rules, rescinding outdated rules, modernizing Department systems, and streamlining camping procedures. More specifically, this proposed rule making:

- Amends the following definitions: “cabin” to better reflect the different sizes of cabins that are available; “camping” to include hammocks; “recreation area” to correct a misspelling and reference to a chapter; and “state park” to include Honey Creek Resort State Park.
- Rescinds the following definitions that are no longer used in the chapter: “call center,” “persons with disabilities parking permit,” “reservation window,” and “state park managed by a management company.”
- Rescinds the centralized reservation rule and adopts a new rule establishing that the Department operates a centralized reservation system for camping, rental facilities, and other special privileges in state parks, recreation areas, and state forests. Policies and procedures for the reservation system are available to the public upon request.
- Rescinds the paragraph regarding camping coupons because camping coupons have been discontinued.
- Amends the paragraph regarding camping units on campsites to include a hammock as a second small unit allowed on the site in addition to the basic unit.
- Amends the checkout time for campsites to be 3 p.m. for both reservable and nonreservable campsites.
- Amends a rule by extending the Friday and Saturday night stay requirement for camping through October 31, and amends the Fourth of July holiday three-night minimum stay requirement for campsites to only apply when the Fourth of July occurs on a Monday.
- Rescinds the requirement that campsites marked with the international symbol of accessibility be used only by vehicles displaying a persons with disabilities parking permit in order to allow the Department to make accessibility information available through the campsite reservation system, which is consistent with federal accessibility guidance.
- Proposes a new paragraph that requires campers to use straps that are at least one inch wide to secure hammocks to trees in a campground and prohibits the use of bolts, nails, spikes, and other fastening attachments that can damage trees.
- Proposes a new paragraph that allows the Department Director or Director’s designee to permit camping in areas outside designated campgrounds for certain special events.
- Rescinds the existing minimum stay requirements for cabins and yurts for organizational purposes and proposes new minimum stay requirements including:

- o A minimum three-night stay is required for the national Memorial Day holiday weekend, the national Fourth of July holiday weekend when the Fourth of July is on a Monday, and the national Labor Day holiday weekend.

- o The Department may require a minimum one-week stay for cabins with bathroom and kitchen facilities during the time period beginning with the Friday of the national Memorial Day holiday weekend and ending with the Thursday after the national Labor Day holiday.

- Rescinds and reserves the paragraph regarding occupancy numbers for cabins as the numbers are determined on a case-by-case basis following building and fire codes. Occupancy numbers are posted on the Department and centralized reservation system websites.

- Amends the damage deposit rule to require payment based on the identified deadline, which is found on the centralized reservation system website.

- Amends the procedures and policies for wet and dry vessel storage rental assignment and use.

- Amends the motorized vehicle restrictions with updated procedures for persons with a physical disability or mobility impairment to acquire a permit to use a motorized vehicle in certain areas in state parks, recreation areas, and preserves.

- Rescinds the subrule on restrictions on picnic sites to allow the Department to make accessibility information available through other mechanisms consistent with federal accessibility guidance, including availability online.

- Rescinds the rule for the Restore the Outdoors Program because the program no longer exists.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 6, 2021. Comments should be directed to:

Sherry Arntzen
Iowa Department of Natural Resources
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319
Phone: 515.346.7036
Email: sherry.arntzen@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally will be held by conference call as follows. Persons who wish to attend the conference call should contact Sherry Arntzen at sherry.arntzen@dnr.iowa.gov. A conference call number will be provided prior to the hearing. Persons

who wish to make oral comments at the public hearing must submit a request to Sherry Arntzen prior to the hearing to facilitate an orderly hearing.

July 6, 2021
10 to 11 a.m.

Video/conference call

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **571—61.2(461A)**, definitions of “Cabin,” “Camping,” “Recreation areas” and “State park,” as follows:

“*Cabin*” means a ~~small, one-story dwelling of simple construction which is~~ available for rental on a daily or weekly basis. Cabins may or may not contain restroom and kitchen facilities.

“*Camping*” means ~~the erecting of a tent, hammock, or shelter of natural or synthetic material; or~~ placing a sleeping bag or other bedding material on the ground; or parking a motor vehicle, motor home, or trailer for the apparent purpose of overnight occupancy.

“*Recreation areas*” means the following areas that have been designated by action of the commission:

<u>Area</u>	<u>County</u>
Badger Creek Recreation Area	Madison
Brushy Creek Recreation Area	Webster
Claire <u>Clair</u> Wilson Park	Dickinson
Emerson Bay and Lighthouse	Dickinson
Fairport Recreation Area	Muscatine
Lower Gar Access	Dickinson
Marble Beach	Dickinson
Mines of Spain Recreation Area	Dubuque
Pleasant Creek Recreation Area	Linn
Templar Park	Dickinson
Volga River Recreation Area	Fayette
Wilson Island Recreation Area	Pottawattamie

These areas are managed for multiple uses, including public hunting, and are governed by rules established in this chapter as well as in 571—Chapters ~~52~~ 51 and 105.

“*State park*” means the following areas managed by the state and designated by action of the commission:

<u>Area</u>	<u>County</u>
A. A. Call	Kossuth
Backbone	Delaware
Banner Lakes at Summerset	Warren
Beed's Lake	Franklin
Bellevue	Jackson
Big Creek	Polk
Black Hawk	Sac
Cedar Rock	Buchanan
Clear Lake	Cerro Gordo
Dolliver Memorial	Webster
Elinor Bedell	Dickinson
Elk Rock	Marion
Fort Atkinson	Winneshie
Fort Defiance	Emmet
Geode	Henry and Des Moines
George Wyth	Black Hawk
Green Valley	Union
Gull Point	Dickinson
Honey Creek	Appanoose
<u>Honey Creek Resort</u>	<u>Appanoose</u>
Lacey-Keosauqua	Van Buren
Lake Ahquabi	Warren
Lake Anita	Cass
Lake Darling	Washington
Lake Keomah	Mahaska
Lake Macbride	Johnson
Lake Manawa	Pottawattamie
Lake of Three Fires	Taylor
Lake Wapello	Davis
Ledges	Boone
Lewis and Clark	Monona
Maquoketa Caves	Jackson
McIntosh Woods	Cerro Gordo
Mini-Wakan	Dickinson
Nine Eagles	Decatur
Okamanpedan	Emmet
Palisades-Kepler	Linn
Pikes Peak	Clayton
Pikes Point	Dickinson
Pilot Knob	Winnebago
Pine Lake	Hardin
Prairie Rose	Shelby
Preparation Canyon	Monona
Red Haw	Lucas

<u>Area</u>	<u>County</u>
Rice Lake	Winnebago
Rock Creek	Jasper
Shimek Forest Campground	Lee
Springbrook	Guthrie
Stephens Forest Campground	Lucas
Stone	Plymouth and Woodbury
Trapper's Bay	Dickinson
Twin Lakes	Calhoun
Union Grove	Tama
Viking Lake	Montgomery
Walnut Woods	Polk
Wapsipinicon	Jones
Waubonsie	Fremont
Wildcat Den	Muscatine
Yellow River Forest Campground	Allamakee

Use and management of these areas are governed by Iowa Code chapter 461A and by other restrictions prescribed on area signs pursuant to Iowa Code section 461A.44.

ITEM 2. Rescind the definitions of “Call center,” “Persons with disabilities parking permit” and “State park managed by a management company” in rule **571—61.2(461A)**.

ITEM 3. Rescind rule 571—61.3(461A) and adopt the following new rule in lieu thereof:

571—61.3(461A) Centralized reservation system. The centralized reservation system of the department accepts and processes reservations for camping, rental facilities, and other special privileges in state parks, recreation areas, and state forests. The system is accessible through the department’s website. The operating policies and procedures for the centralized reservation system are available upon request.

This rule is intended to implement Iowa Code section 461A.3.

ITEM 4. Rescind paragraph **61.4(3)“d.”**

ITEM 5. Amend paragraphs **61.4(5)“c,” “h”** and **“k”** as follows:

c. Camping is restricted to one basic unit per site except that a small tent or hammock may be placed on a site with the basic unit. The area occupied by the small tent shall be no more than 8 eight feet by 40 ten feet, and the tent shall hold no more than four people.

h. Campers occupying nonreservable campsites shall vacate the campground or register for the night prior to 4 3 p.m. daily. Registration can be for more than 1 night at a time but not for more than 14 consecutive nights for nonreservable campsites. All members of the camping party must vacate the state park or recreation area campground after the fourteenth night and may not return to the state park or recreation area until a minimum of 3 nights has passed. All equipment must be removed from the site at the end of each stay. The 14-night limitation shall not apply to volunteers working under a department program.

k. Minimum stay requirements for camping reservations. From May 1 to ~~September 30~~ October 31, a two-night minimum stay is required for weekends. The two nights shall be designated as Friday and Saturday nights. However, if ~~September 30~~ October 31 is a Friday, the Friday and Saturday night stay shall not apply. If ~~September 30~~ October 31 is a Saturday, the Friday and Saturday night stay shall apply. The following additional exceptions apply:

(1) A Friday, Saturday, and Sunday night stay is required for the national Memorial Day holiday and national Labor Day holiday weekends.

~~(2) A Thursday, Friday, and Saturday night stay is required for the Fourth of July holiday if the Fourth of July occurs on a Thursday, Friday or Saturday.~~

~~(3) (2)~~ A Friday, Saturday, and Sunday night stay is required for the Fourth of July holiday if when the Fourth of July occurs on a Monday.

ITEM 6. Rescind and reserve paragraph **61.4(5)“m.”**

ITEM 7. Adopt the following **new** paragraphs **61.4(5)“o”** and **“p”**:

o. Campers shall use only straps to secure hammocks to trees in campsites. Straps must be a minimum of one inch wide. The use of bolts, nails, spikes, or any other fastening attachment to a tree is prohibited.

p. Special events. The department director or director’s authorized representative may authorize camping in areas outside designated campgrounds for certain special events as defined in rule 571—44.2(321G,321I,461A,462A,481A). Requests shall be reviewed on a case-by-case basis and permitted under the provisions of 571—Chapter 44.

ITEM 8. Rescind paragraph **61.5(3)“b”** and adopt the following **new** paragraph in lieu thereof:

b. Rental stay requirements for cabins and yurts.

(1) Except as provided in subparagraphs 61.5(3)“*b*”(2) and 61.5(3)“*b*”(3), cabins and yurts may be reserved for a minimum of two nights throughout the entire season.

(2) Cabins and yurts must be reserved for a minimum of three nights (Friday, Saturday, and Sunday nights) for the national Memorial Day holiday weekend, the Fourth of July holiday weekend when the Fourth of July occurs on a Monday, and the national Labor Day holiday weekend.

(3) The department may require cabins with restroom and kitchen facilities to be reserved for a minimum stay of one week (Friday p.m. to Friday a.m.) during the time period beginning with the Friday of the national Memorial Day holiday weekend and ending with the Thursday after the national Labor Day holiday.

(4) All unreserved cabins, yurts and group camps may be rented for a minimum of two nights on a walk-in first-come, first-served basis. No walk-in rentals will be permitted after 6 p.m.

(5) Reservations or walk-in rentals for more than a two-week stay will not be accepted for any facility.

ITEM 9. Amend paragraph **61.5(3)“c”** as follows:

c. Persons renting cabins, yurts or group camp facilities must check in at or after 4 p.m. on Saturday the first day of the rental period. Check-out time is 11 a.m. or earlier on Saturday the last day of the rental period.

ITEM 10. Rescind and reserve paragraphs **61.5(3)“d”** and **“f.”**

ITEM 11. Amend paragraph **61.5(4)“a”** as follows:

a. ~~Upon arrival for the rental facility period, renters~~ Renters shall pay in full a damage deposit in an amount equal to the weekend daily rental fee for the facility or \$50, whichever is greater, by the established deadline for the facility. If a gathering with keg beer takes place in a lodge or open shelter with kitchenette, the damage deposit shall be waived in lieu of a keg damage deposit as specified in 571—subrule 63.5(3) if the keg damage deposit is greater than the lodge or open shelter with kitchenette damage deposit.

ITEM 12. Rescind rule 571—61.6(461A) and adopt the following **new** rule in lieu thereof:

571—61.6(461A) Wet and dry storage for vessels. The department may provide limited temporary vessel storage for individuals who own vessels that are actively used on waters in state parks and recreation areas.

61.6(1) Vessel storage fees.

a. Vessel storage rental fees shall be set by the department pursuant to 561—Chapter 16.

b. A person who fails to pay a vessel storage fee by the established payment due date shall forfeit the slip assignment.

61.6(2) Storage slip assignment.

a. Slip assignments shall be made on a first-come, first-served basis. Park staff may establish a waiting list upon receiving more requests for storage slips than the number of slips available. The waiting list shall be maintained in chronological order of the requests received.

b. Slip assignments shall be valid for one year with the option to renew annually.

c. In the event a person on a waiting list refuses a specific slip assignment, the person's name will be removed from the waiting list.

61.6(3) Storage slip requirements and conditions.

a. Each storage slip is limited to no more than one vessel at any given time.

b. All vessels in a storage slip must have a current boat registration.

c. Slip assignments must be in the same name of the person to whom the vessel that will occupy the slip is registered.

d. Dry storage slips shall be maintained in a clean and orderly manner. Failure to maintain the slip in a satisfactory condition will result in forfeiture of the slip assignment and any storage fees paid.

e. Slip assignments are not transferrable.

This rule is intended to implement Iowa Code section 461A.3.

ITEM 13. Amend subparagraphs **61.7(8)“b”(1), (2) and (4)** as follows:

(1) Permits.

~~1. Each person with a physical disability or mobility impairment must have a permit issued by the director~~ Each person with a physical disability or mobility impairment must have a permit issued by the park or recreation area staff in order to use a motorized vehicle in specific areas within state parks, recreation areas, and preserves. Such permits will be issued without charge and shall be valid for two years from the date of issuance. One nonhandicapped companion may accompany the permit holder on the same vehicle if that vehicle is designed for more than one rider; otherwise the companion must walk.

~~2. Existing permits. Those persons possessing a valid permit for use of a motorized vehicle on game management areas as provided in 571—51.7(461A) may use a motorized vehicle to gain access to specific areas for recreational opportunities and facilities within state parks, recreation areas and preserves.~~

~~(2) Approved areas. On each visit, the permit holder must contact the park staff in charge of the specific area in which the permit holder wishes to use a motorized vehicle. The park or recreation area staff must shall designate on a park or recreation area map the area(s) where the permit holder will be allowed to use a motorized vehicle. This restriction is intended to protect the permit holder from hazards or and to protect other users or certain natural resources consistent with relevant state and federal law. The map is to be signed and dated on each visit by the park staff in charge of the area. Approval for use of a motorized vehicle on state preserves also requires consultation with a member of the preserves staff in Des Moines.~~

(4) Prohibited acts and restrictions.

1. No change.

2. The speed limit for an approved ~~motor~~ motorized vehicle off-road will be no more than ~~5 mph~~ 3 miles per hour. The permit of a person who is found exceeding the speed limit will be revoked.

3. The permit of any person who is found causing damage to cultural and natural features or abusing the privilege of riding off-road within the park will be revoked, and restitution for damages or other remedies available under the law may be sought.

ITEM 14. Rescind and reserve subrule **61.7(12)**.

ITEM 15. Rescind and reserve rule **571—61.14(461A)**.

ITEM 16. Amend subrule 61.23(1) as follows:

61.23(1) Restrictions of campsite or campground use in established state forest campgrounds shall be the same as those cited in paragraphs 61.4(5) *“a”* through *“c,” “e”* through *“k,” “m,”* and *“n.” “n”* through *“p.”*